

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**WILLIAM TERRY HANKINS and
BELINDA J. HANKINS**

PLAINTIFFS

V.

NO. 3:14-CV-00088-SA-SAA

JPMORGAN CHASE BANK, N.A.

DEFENDANT

CONSENT JUDGMENT

BE IT REMEMBERED that this matter came before the Court upon the Motion for Consent Judgment filed by Plaintiffs and Defendant JPMorgan Chase Bank, N.A. (“Chase”). Having considered the Motion for Consent Judgment, the Court finds that said Motion is well taken and hereby finds as follows:

1. This Court has subject matter jurisdiction over this matter. Plaintiffs and Chase are completely diverse and the value of the subject property exceeds \$75,000.00. *See* 28 U.S.C. § 1332.

2. Plaintiffs entered into a loan with Chase on April 20, 2012, in the principal amount of \$139,177.00. The loan was secured by a deed of trust that encumbered a 68-acre parcel, more particularly described as follows:

ALL THAT PARCEL OF LAND IN TATE COUNTY, STATE OF MISSISSIPPI, AS MORE FULLY DESCRIBED IN DEED BOOK A92, PAGE 550, ID# 173060000301, BEING KNOWN AND DESIGNATED AS

PART OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 9 WEST, TATE COUNTY, MISSISSIPPI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT COMMONLY ACCEPTED AS THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SECTION 6; THENCE RUN SOUTH 01 DEGREES 50 MINUTES 38 SECONDS EAST A DISTANCE OF 1320.68 FEET ALONG THE WEST LINE OF SAID HALF SECTION TO THE SOUTHWEST CORNER OF THE NORTH HALF SAID HALF SECTION; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 08 SECONDS EAST A DISTANCE OF 957.13 FEET ALONG THE SOUTH LINE OF SAID NORTH HALF OF SAID HALF SECTION TO A HALF INCH STEEL BAR; THENCE RUN NORTH 00 DEGREES 27 MINUTES 52 SECONDS EAST A DISTANCE OF 286.66 FEET TO A HALF INCH STEEL BAR; THENCE RUN SOUTH 89 DEGREES 32 MINUTES 08 SECONDS EAST A DISTANCE OF 2122.03 FEET TO A HALF INCH STEEL BAR ON THE CENTER LINE OF A PRIVATE ROAD; THENCE RUN THE FOLLOWING CALLS ALONG SAID ROAD CENTERLINE TO A POINT ON THE NORTH LINE OF SAID HALF-SECTION:

| | | | | | | | | | |
|---|----|---------|----|---------|----|---------|------|--------|------|
| NORTH | 05 | DEGREES | 03 | MINUTES | 09 | SECONDS | WEST | 44.83 | FEET |
| NORTH | 02 | DEGREES | 28 | MINUTES | 53 | SECONDS | WEST | 37.30 | FEET |
| NORTH | 18 | DEGREES | 17 | MINUTES | 54 | SECONDS | EAST | 50.75 | FEET |
| NORTH | 38 | DEGREES | 54 | MINUTES | 54 | SECONDS | EAST | 46.61 | FEET |
| SOUTH | 72 | DEGREES | 47 | MINUTES | 41 | SECONDS | WEST | 56.75 | FEET |
| NORTH | 75 | DEGREES | 36 | MINUTES | 08 | SECONDS | WEST | 40.26 | FEET |
| NORTH | 48 | DEGREES | 10 | MINUTES | 07 | SECONDS | WEST | 95.41 | FEET |
| NORTH | 38 | DEGREES | 11 | MINUTES | 31 | SECONDS | WEST | 282.22 | FEET |
| NORTH | 44 | DEGREES | 33 | MINUTES | 19 | SECONDS | WEST | 128.60 | FEET |
| NORTH | 55 | DEGREES | 09 | MINUTES | 57 | SECONDS | WEST | 21.44 | FEET |
| NORTH | 62 | DEGREES | 09 | MINUTES | 40 | SECONDS | WEST | 41.36 | FEET |
| NORTH | 73 | DEGREES | 46 | MINUTES | 33 | SECONDS | WEST | 65.00 | FEET |
| NORTH | 71 | DEGREES | 40 | MINUTES | 16 | SECONDS | WEST | 66.63 | FEET |
| NORTH | 63 | DEGREES | 15 | MINUTES | 45 | SECONDS | WEST | 61.10 | FEET |
| NORTH | 78 | DEGREES | 46 | MINUTES | 48 | SECONDS | WEST | 88.57 | FEET |
| NORTH | 85 | DEGREES | 36 | MINUTES | 32 | SECONDS | WEST | 54.25 | FEET |
| NORTH | 74 | DEGREES | 22 | MINUTES | 07 | SECONDS | WEST | 77.63 | FEET |
| NORTH | 65 | DEGREES | 34 | MINUTES | 34 | SECONDS | WEST | 41.86 | FEET |
| NORTH | 57 | DEGREES | 06 | MINUTES | 34 | SECONDS | WEST | 54.40 | FEET |
| NORTH | 39 | DEGREES | 02 | MINUTES | 50 | SECONDS | WEST | 66.04 | FEET |
| NORTH | 27 | DEGREES | 49 | MINUTES | 27 | SECONDS | WEST | 59.09 | FEET |
| NORTH | 29 | DEGREES | 17 | MINUTES | 18 | SECONDS | WEST | 94.26 | FEET |
| NORTH 32 DEGREES 06 MINUTES 55 SECONDS WEST 168.61 FEET | | | | | | | | | |

THENCE RUN NORTH 89 DEGREES 50 MINUTES 48 SECONDS WEST A DISTANCE OF 1995.67 FEET ALONG SAID NORTH LINE OF SAID HALF SECTION TO THE POINT OF BEGINNING AND CONTAINING 68.16 ACRES. BEARINGS SHOWN ARE TRUE BEARING.

(hereinafter the “68 Acre Parcel”). The deed of trust was recorded on May 1, 2012 in Book 2012, Page 4366 of the land records of Tate County, Mississippi.

3. Thereafter, Plaintiffs defaulted on the underlying indebtedness by failing to make the required payments in a timely manner. Following their default, foreclosure proceedings were commenced relating to the 68 Acre Parcel.

4. Plaintiffs filed this action on March 28, 2014, in the Chancery Court of Tate County, Mississippi, seeking to enjoin the foreclosure proceedings. They assert that the deed of trust erroneously encumbered the 68 Acre Parcel, rather than a separate ten acre parcel more particularly described as follows:

PART OF THE SOUTH HALF OF SECTION 6, T-6-S, R-9-W, TATE COUNTY, MISSISSIPPI MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF SECTION 6; THENCE S 89°50'48" E ALONG THE HALF SECTION LINE A DISTANCE OF 1995.67 FEET TO THE CENTERLINE OF A ROAD, THENCE S 32°06'55" E ALONG SAID ROAD A DISTANCE OF 168.61 FEET; THENCE S 29°18'17" E ALONG SAID ROAD A DISTANCE OF 94.26 FEET; THENCE S 27°49'27" E ALONG SAID ROAD A DISTANCE OF 38.38 FEET TO THE POINT OF BEGINNING; THENCE S 76°35'51" W A DISTANCE OF 258.14 FEET; THENCE S 71° 54' 48" W A DISTANCE OF 950.35 FEET; THENCE S 18°05'12" E A DISTANCE OF 330.00 FEET; THENCE N 71°54'48" E A DISTANCE OF 1543.31 FEET TO THE CENTERLINE OF A ROAD; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF ROAD THE FOLLOWING NINE (9) CALLS:

N 71°40'16" W - 10.15 FEET;
N 63°15'45" W – 61.10 FEET;
N 78°46'48" W – 88.57 FEET;
N 85°36'32" W – 54.25 FEET;
N 74°22'07" W – 77.63 FEET;
N 65°34'34" W – 41.86 FEET;
N 57°06'34" W – 54.40 FEET;
N 39°02'50" W – 66.04 FEET;
N 39°02'50" W – 66.04 FEET;

N 27°49'27" W – 20.71 FEET TO THE POINT OF BEGINNING AND
CONTAINING 10.00 ACRES

(hereinafter the “10 Acre Parcel”).

5. Chase removed this action to this Court on April 28, 2014, based upon complete diversity of citizenship. *See* 28 U.S.C. § 1441; Docket No. 1.

6. Pursuant to the parties’ agreement, the 10 Acre Parcel should be substituted for the 68 Acre Parcel as the security encumbered by the deed of trust recorded at Book 2012, Page 4366 of the land records of Tate County, Mississippi.

7. This Consent Judgment should be recorded and indexed among the land records of Tate County, Mississippi as effecting title to the subject property.

8. The 10 Acre Parcel shall be subject to being foreclosed upon hereafter in the event Plaintiffs do not cure their default on the underlying indebtedness.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the 10 Acre Parcel be, and hereby is, substituted for the 68 Acre Parcel as the collateral encumbered by the deed of trust recorded at Book 2012, Page 4366 of the land records of Tate County, Mississippi.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Chase may hereafter proceed with foreclosing on the 10 Acre Parcel pursuant to the deed of trust recorded at Book 2012, Page 4366, if Plaintiffs do not cure their default on the underlying indebtedness.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Consent Judgment be filed and indexed among the land records of Tate County, Mississippi as effecting title to the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all other claims asserted by Plaintiffs in this action be, and hereby are, dismissed with prejudice, with each party to bear its own costs and attorney's fees.

SO ORDERED, ADJUDGED AND DECREED this 13th day of March, 2015.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

AGREED TO:

s/David M. Slocum, Jr.
David M. Slocum, Jr. (MSB #101846)
329 Tate Street
Senatobia, Mississippi 38668
Telephone: (662) 301-0035
Facsimile: (662) 301-0036
dslocum184@yahoo.com

s/ Mark H. Tyson
Mark H. Tyson (MS Bar #9893)
Attorney for JPMorgan Chase Bank, N.A.
McGlinchey Stafford, PLLC
200 South Lamar Street, Suite 110
P. O. Box 22949
Jackson, MS 39225-2949
Telephone: (769) 524-2300
Facsimile: (769) 524-2333
mtyson@mcglinchey.com